

PATENT**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being deposited via facsimile to Commissioner for Patents, Attention: Dameron L. Jones whose telephone number is (571) 272-0617 and fax number is (703) 872-9306 on

Jane A. Walker May 18, 2004
Jane A. Walker Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAY 18 2004

Applicant(s): Achilefu et al.
 Serial No.: 09/981,206
 Filed: October 17, 2001
 Group Art Unit: 1616
 Confirmation No.: 5790
 Examiner: Jones, Dameron
 Title: **CARBOCYANINE DYES FOR TANDEM, PHOTODIAGNOSTIC
AND THERAPEUTIC APPLICATIONS**
 Our Ref. No.: MRD-74

OFFICIAL

Cincinnati, OH 45202

May 18, 2004

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

RESPONSE

Although the applicants will not respond to the Office Action dated February 24, 2004, this is not to be construed as acquiescence to the rejection, and applicants reserve the right to re-file the same or similar claims based upon an identical disclosure in a future co-pending application.

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Applicants do not believe there is any fee due with this submission. However, if any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

The Examiner is invited to contact applicants' undersigned representative with any questions.

Respectfully submitted,

WOOD, HERRON & EVANS. L.L.P.

Beverly A. Lyman

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